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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,212	06/20/2003	William T. Rochford	82200APAL	5833

7590 03/21/2005

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EXAMINER

SCHILLING, RICHARD L

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/600 212

Applicant(s)

Roch Ford et al

Examiner

AL Schilling

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2-11-05
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 2, 4-9, 13-16, 19 & 20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 2, 4-9, 13-16, 19 & 20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Claims 1, 2, 4-9, 13-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aylward et al. for the same reasons as set forth in paragraph 2 of the final rejection, filed August 9, 2004.

2. Claims 1, 2, 4-8, 13-17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hannon and Wingender for the same reasons as set forth in paragraph 3 of the final rejection.

3. Applicants' arguments filed February 11, 2005 have been fully considered but they are not deemed to be persuasive. Applicants' argument that the photographic images of the instant claims are overprinted with a printing ink that mordants to the image is unconvincing. The upper layer of the article of the instant claims is overprinted. The upper layer is not limited to layers containing the dye image but include overcoat layers of laminated sheets as disclosed on page 13, line 11 - page 14, line 5 of the specification. Therefore, the claimed articles include imaged articles as in Aylward et al. with dye image layers and laminated sheet upper layers containing printed patterns. Applicants' argument that the backside of Aylward et al. is overprinted is unconvincing since the strippable sheet on the backside of the photosensitive elements of Aylward et al. is

laminated to the top side of the processed elements of Aylward et al. containing dye images. Applicants' argument that the instant claims exclude printed layers stacked on photographic images as on cards is unconvincing. The upper layers of the instant claims do not exclude laminated sheets or layers and include laminated sheets as disclosed on pages 13 and 14 of the specification. Whether the upper sheet is printed and then laminated or laminated and then printed would not materially distinguish the final printed products.

4. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

Serial No. 10/600,212

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MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE  
STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM  
THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication should be  
directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

March 16, 2005

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 1100 1752

